

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In re: Methyl Tertiary Butyl Ether ("MTBE")  
Products Liability Litigation

This Document Relates To:

*City of Fresno v. Chevron U.S.A. Inc., et al.*,  
No. 04 Civ. 4973 (SAS)

Master File No. 1:00-1898  
MDL 1358 (SAS)  
M21-88

**STIPULATION AND  
[PROPOSED] ORDER OF  
DISMISSAL WITH  
PREJUDICE UNDER  
FED.R.CIV.P. 41(a)(2)**

**SHIRA A. SCHEINDLIN, U.S.D.J.:**

**STIPULATION**

Plaintiff City of Fresno and Defendant ConocoPhillips Company, individually and as successor-in-interest to Tosco Corporation and Phillips Petroleum Company, and including but not limited to Phillips 66 (collectively, "ConocoPhillips"), have resolved the matters between them and agreed to the entry of dismissal with prejudice of ConocoPhillips pursuant to Fed. R. Civ. P. 41(a)(2), with each party to bear its own costs and attorneys' fees.

**SO STIPULATED:**

Dated: March 13, 2013

*Evan Eickmeyer*  
Evan Eickmeyer, Esq.  
MILLER, AXLINE & SAWYER  
A Professional Corporation  
1050 Fulton Avenue, Suite 100  
Sacramento, CA 95825-4225  
Telephone: (916) 488-6688  
Facsimile: (916) 488-4288  
Attorneys for Plaintiff  
City of Fresno

Dated: March 13, 2013

*Jon D Anderson*  
by NJS  
Jon D. Anderson, Esq.  
Nicole Vanderlaan Smith, Esq.  
LATHAM & WATKINS LLP  
650 Town Center Drive, 20th Floor  
Costa Mesa, CA 92626-1925  
Telephone: (714) 540-1235  
Facsimile: (714) 755-8290  
Attorneys for Defendant  
ConocoPhillips Company, individually and as successor-in-interest to Tosco Corporation and Phillips Petroleum Company, and including but not limited to Phillips 66.

**ORDER**

1. This Court has jurisdiction over the parties to this Stipulation and over the subject matter of this action. The parties to this Stipulation have advised the Court of their agreement to settle this matter pursuant to a Settlement Agreement and Release and this Stipulation. On February 19, 2013, the Court entered the Order Granting Defendant ConocoPhillips Company's Motion for Good Faith Settlement Determination.

2. ConocoPhillips Company, individually and as successor-in-interest to Tosco Corporation and Phillips Petroleum Company, and including but not limited to Phillips 66 is dismissed with prejudice from this action, pursuant to Fed. R. Civ. P. 41(a)(2).

3. Each party to this Stipulation shall bear its own costs and attorneys' fees.

**SO ORDERED:**



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Shira A. Scheindlin  
U.S.D.J.

Dated: New York, New York

March 18, 2013

1 **PROOF OF SERVICE VIA LEXISNEXIS FILE AND SERVE**

2 I, the undersigned, declare that I am, and was at the time of service of the paper(s) herein  
3 referred to, over the age of 18 years and not a party to this action. My business address is 1050  
Fulton Avenue, Suite 100, Sacramento, CA 95825-4225.

4 On the date below, I served the following document on all counsel in *City of Fresno v.*  
5 *Chevron U.S.A., Inc., et al.*, Case No. 04 Civ 4973 (SAS), electronically through LexisNexis  
File & Serve:

6 **STIPULATION AND [PROPOSED] ORDER OF DISMISSAL WITH  
7 PREJUDICE UNDER FED. R. CIV. P. 41(a)(2)**

8 I declare under penalty of perjury under the laws of the United States of America and the  
State of California that the foregoing is true and correct.

9 Executed on March 14, 2013, at Sacramento, California.

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11 Evan Eickmeyer

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